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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. 07-CV-5944-JST

MDL No. 1917

This Document Relates to:

ALL DIRECT PURCHASER ACTIONS

**DIRECT PURCHASER PLAINTIFFS'
ADMINISTRATIVE MOTION TO SEAL
DOCUMENTS PURSUANT TO CIVIL
LOCAL RULES 7-11 AND 79-5(d)**

Pursuant to Civil Local Rules 7-11 and 79-5(d) and this Court's Standing Order Governing Administrative Motions to File Materials Under Seal, Direct Purchaser Plaintiffs ("DPPs" or "Plaintiffs") hereby move the Court for leave to file certain documents under seal. This motion is supported by the Declaration of R. Alexander Saveri in Support of Direct Purchaser Plaintiffs' Administrative Motion to Seal Documents Pursuant to Civil Local Rules 7-11 and 79-5(d), dated April 1, 2019. *See* Civ. L. R. 79-5(d).

DPPs have reviewed and complied with this Court's Standing Order Governing Administrative Motions to File Materials Under Seal.

DPPs have reviewed and complied with Civil Local Rule 79-5. Civil Local Rule 79-5 governs the filing under seal of entire documents or portions of documents that contain material that is "privileged, protectable as a trade secret or otherwise entitled to protection under the law." Civ. L.R. 79-5(a)–(e). Civil Local Rule 79-5(d) provides: "A party seeking to file a document, or portions thereof, under seal ('the Submitting Party') must: (1) File an Administrative Motion to File Under Seal, in conformance with Civil L.R. 7-11."

In compliance with Civil Local Rule 79-5(d), DPPs submit this Administrative Motion because they wish to file documents that contain either: (a) material designated by a Defendant pursuant to a Protective Order as "Confidential" or "Highly Confidential"; or (b) analysis of, references to, or information taken directly from material designated by a Defendant pursuant to a Protective Order as "Confidential" or "Highly Confidential." *See id.*

DPPs seek to file the below material under seal in good faith in order to comply with the Protective Order in this action and the applicable Local Rules. Because the Irico defendants contend that the material they have designated is confidential in nature, it is their burden to establish that the designated information is sealable. Civil L.R. 79-5(e); *see Kamakana v. City of Honolulu*, 447 F.3d 1172, 1178–80 (9th Cir. 2006). DPPs leave it to this Court's discretion to determine whether the above material should be filed under seal. Courts have repeatedly emphasized that a party must make a "particularized showing of good cause" and show a "compelling reason" to justify the sealing of motions and papers filed with a court. *See Foltz v. State Farm Mutual Auto. Ins. Co.*, 331 F.3d 1122, 1138 (9th Cir. 2002) (reversing the lower court's

sealing of records because there was no “compelling reason to justify sealing” under the protective order). As the Ninth Circuit has stated, the “hazard of stipulated protective orders” is that they “often contain provisions that purport to put the entire litigation under lock and key without regard to the actual requirements of Rule 26(c).” *Kamakana*, 447 F.3d at 1183. Plaintiffs file this administrative motion in order to comply with the Protective Order entered in this action.

DPPs seek leave to file the following documents under seal:

- Gray highlighted portions of the Direct Purchaser Plaintiffs’ Opposition to the Irico Defendants’ Amended Motions to Dismiss Claims of Direct Purchaser Plaintiffs for Lack of Subject Matter Jurisdiction;
- Exhibits 1-2, 4, 12-13, 15-22, and 26-31 to the Declaration of R. Alexander Saveri in Support of Direct Purchaser Plaintiffs’ Opposition to the Irico Defendants’ Amended Motions to Dismiss Claims of Direct Purchaser Plaintiffs for Lack of Subject Matter Jurisdiction;”
- Gray highlighted portions of the Declaration of David Y. Hwu in Support of Direct Purchaser Plaintiffs’ Opposition to the Irico Defendants’ Amended Motions to Dismiss Claims of Direct Purchaser Plaintiffs for Lack of Subject Matter Jurisdiction; and
- Exhibit 3 to the Declaration of David Y. Hwu in Support of Direct Purchaser Plaintiffs’ Opposition to the Irico Defendants’ Amended Motions to Dismiss Claims of Direct Purchaser Plaintiffs for Lack of Subject Matter Jurisdiction.

The chart below identifies the designating entity for the materials to be sealed:

Document	Designating Entity
Gray highlighted portions of the Direct Purchaser Plaintiffs’ Opposition to the Irico Defendants’ Amended Motions to Dismiss Claims of Direct Purchaser Plaintiffs for Lack of Subject Matter Jurisdiction	Irico Defendants
Exhibit 1 to the Saveri Declaration: IRI-CRT-00002041–105	Irico Defendants
Exhibit 2 to the Saveri Declaration: IRI-CRT-00000779–85	Irico Defendants
Exhibit 4 to the Saveri Declaration: Irico Defendants’ Objections and Responses to Direct Purchaser Plaintiff Studio Spectrum, Inc.’s First Set of Interrogatories, dated May 4, 2018	Irico Defendants
Exhibit 12 to the Saveri Declaration: IRI-CRT-00003578–79	Irico Defendants

1	Exhibit 13 to the Saveri Declaration: IRI-CRT-00003732	Irico Defendants
2	Exhibit 15 to the Saveri Declaration: IRI-CRT-00003546	Irico Defendants
3	Exhibit 16 to the Saveri Declaration: IRI-CRT-	
4	00003568-69	Irico Defendants
5	Exhibit 17 to the Saveri Declaration: IRI-CRT-	
6	00003576-77	Irico Defendants
7	Exhibit 18 to the Saveri Declaration: IRI-CRT-00003574	Irico Defendants
8	Exhibit 19 to the Saveri Declaration: IRI-CRT-00003513	Irico Defendants
9	Exhibit 20 to the Saveri Declaration: IRI-CRT-	
10	00003490-97	Irico Defendants
11	Exhibit 21 to the Saveri Declaration: IRI-CRT-	
12	00003498-99	Irico Defendants
13	Exhibit 22 to the Saveri Declaration: IRI-CRT-	
14	00003566-67	Irico Defendants
15	Exhibit 26 to the Saveri Declaration: Excerpts of the	
16	transcript of the first day of the deposition of Zhang	Irico Defendants
17	Wenkai on March 4, 2019	
18	Exhibit 27 to the Saveri Declaration: Excerpts of the	
19	transcript of the second day of the deposition of Zhang	Irico Defendants
20	Wenkai on March 5, 2019	
21	Exhibit 28 to the Saveri Declaration: Excerpts of the	
22	transcript of the first day of the deposition of Wang	Irico Defendants
23	Zhaojie on March 6, 2019	
24	Exhibit 29 to the Saveri Declaration: Excerpts of the	
25	transcript of the second day of the deposition of Wang	Irico Defendants
26	Zhaojie on March 7, 2019	
27	Exhibit 30 to the Saveri Declaration: Excerpts of the	
28	transcript of the third day of the deposition of Wang	Irico Defendants
	Zhaojie on March 8, 2019	
	Exhibit 31 to the Saveri Declaration: Excerpts of the	
	transcript of the deposition of Donald Clarke on March	Irico Defendants ¹
	26, 2019	
	Gray highlighted portions of the Declaration of David Y.	
	Hwu in Support of Direct Purchaser Plaintiffs’	
	Opposition to the Irco Defendants’ Amended Motions to	
	Dismiss Claims of Direct Purchaser Plaintiffs for Lack	
	of Subject Matter Jurisdiction	Irico Defendants

¹ Irco has thirty (30) days to designate the deposition transcript as “Confidential” or “Highly Confidential” under the terms of the protective order [ECF No. 306]. In an abundance of caution, Plaintiffs have included this transcript in the sealing motion although Irco has not yet designated it “Confidential” or “Highly Confidential.” The thirty (30) day period has not yet expired.

Exhibit 3 to the Hwu Declaration	Irico Defendants
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WHEREFORE, Direct Purchaser Plaintiffs respectfully submit this administrative motion pursuant to the Protective Order, this Court's Standing Order Governing Administrative Motions to File Materials Under Seal, and Civil Local Rule 79-5 and hereby notify the parties of their burden to establish that the designated material is sealable.

Dated: April 1, 2019

Respectfully submitted,

/s/ R. Alexander Saveri

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